IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.120 OF 2006

In

SUIT NO.3646 OF 2000

Rajivkumar Laltaprasad Gupta & Anr. : Plaintiffs

V/s.

Sanjayprasad Laltaprasad Gupta & Ors. : Defendants

...

WITH

NOTICE OF MOTION NO.3802 OF 2006

In

SUIT NO.3646 OF 2000

Rajiv Laltaprasad Gupta & Anr. : Plaintiffs

V/s.

Sanjayprasad Laltaprasad Gupta & Ors. : Defendants

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Mr.J.P.Mishra for plaintiff no.2.

Mr.Y.R.Shah for defendant nos.1 & 2.

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CORAM : S.A.BOBDE, J.

DATE : JANUARY 29, 2007.

P.C.

1. By order dated 3.4.2002, this Court permitted the plaintiff no.1 to deposit Rs.45,000/- per month towards

royalty in accordance with the Minutes of Order. None appears for the plaintiff no.1. It is stated by both the learned counsel for the plaintiff no.2 and the defendant nos.1 & 2 that the defendant no.3 has expired. Since on that basis that they claim an equal share, they seek permission to withdraw the amount of royalty to the extent of that share which comes to Rs.15,000/- per head. Accordingly, the defendant nos.1 and 2 who have taken out Notice of Motion no.120 of 2006 and the plaintiff no.2 who has taken out Notice of Motion no.3802 of 2006 are hereby permitted to each withdraw in equal share which comes to Rs.15,000/- for the period from 1.6.2002 till 30.9.2002 and October 2005 till the disposal of the suit.

2. Order accordingly.

3. Notices of Motion stand disposed of.

S.A. BOBDE, J.